

REMARKS

A new Figure 27 has been submitted herewith. Claims 1 - 5 have been cancelled. Claims 6 and 7 have been amended. New claims 8 - 17 have been submitted herewith. Claims 6 - 17 are pending.

In the Office Action, the drawings are objected under 37 CFR 1.83(a) for the reason that the “means for moving the one branch entry”, as claimed in claim 1, is not shown. Applicants have submitted herewith a new Figure 27 which shows the “means for moving the one branch entry” and have amended the specification on Pages 9 and 30. Accordingly, it is submitted that the objection to the drawings under 37 CFR 1.83(a) is now overcome.

Additionally, in the Office Action, claims 1 - 5 are rejected under 35 U.S.C. §112, second paragraph, as indefinite for the reason that there is insufficient antecedent basis for the limitation “...each point...” in claim 1. Applicants have provided antecedent basis for the limitation “...each point...” in the amended claims 6 and 7 as well as in the new claims 8 - 17. Also, Applicants have, with respect to those claims setting forth a plurality of elements or steps, applied the Examiner’s suggestion of separating each element of the claim by a line indentation.

Further, in the Office Action, claims 3 and 4 are objected to under 37 CFR 1.75 (c) as being of improper dependent form for failing to further limit the subject matter of a previous claim and claims 1 - 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 6,120,211 to Raike. Applicants submit that these rejections of claims 1 - 5 are moot in view of the cancellation of claims 1- 5.

Moreover, in the Office Action, claims 6 and 7 are objected to as being dependent upon a rejected base claim but are indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have rewritten claims 6 and 7 to include the respective limitations of the base claim and any intervening claims.

Additionally, Applicants submit that new claims 8 - 17 submitted herewith patentably define over the prior art of record. For example, new independent claim 8 recites an apparatus for influencing the travel property of a material moving between

a material supply source and a delivery location comprising means forming a feed path along which material travels as the material is enroute from the material supply source to the delivery location. The feed path includes a.) an upstream passage, b.) one branch having a branch entry downstream of the upstream passage, and c.) another branch having a branch entry downstream of the upstream passage. The single stream of material traveling along the feed path passes through the upstream passage and thereafter separates into at least two portions. The apparatus recited in new claim 8 also comprises means for changing a travel property of the one portion of the material in the one branch during continuous separation of the entirety of material in the single stream of material as it travels beyond the upstream passage into, respectively, the one portion and the another portion of material. The travel properties changing means is operable to move at least one of the upstream passage periphery and the one branch entry relative to the reference axis such that the travel property of the one portion of the material in the one branch after such movement relative to the reference axis is different than the same travel property of the one portion of the material in the one branch before such movement relative to the reference axis.

The apparatus recited in new claim 8 is neither taught nor disclosed in the prior art. For example, US Patent No. No. 6,120,211 to Raike does not teach or disclose the feature recited in new claim 8 of a “means for changing a travel property of the one portion of the material in the one branch during continuous separation of the entirety of material in the single stream of material as it travels beyond the upstream passage into, respectively, the one portion and the another portion of material”. US Patent No. No. 6,120,211 to Raike discloses a materials handling system, illustrated in Figure 7 of the Raike ‘211 patent, which, unlike the present invention, does not operate to apportion a single stream of material into at least two portions. Instead, the material handling system of the Raike ‘211 patent operates to direct the entire stream of particulate material exiting its “upstream passage periphery” (the distribution valve 210 of the Raike ‘211 patent) into a single outlet conduit. See Column 8, lines 48 - 52, of the Raike ‘211 patent: “ Distribution valve 210 selectively directs the stream of air with particulate material 201 entrained

therein, to one of four outlet conduits 211, 212, 213 and 214 which are connected to storage vessels or downstream processing equipment 221, 222, 223 and 224 respectively.”(emphasis added).

Applicants submit that claims 6 - 17 patentably define over the prior art of record and are allowable. Accordingly, it is submitted that the present application is in condition for allowance and early action toward that end is respectfully requested.

Respectfully submitted,



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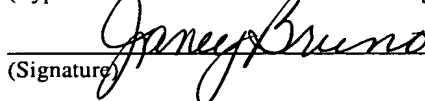
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